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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

8 UNITED STATES DISTRICT COURT
9
10 CENTRAL DISTRICT OF CALIFORNIA,

11 JOHN DOE No. 1; an individual,
12 JOHN DOE NO. 2, an individual,
13
14 Plaintiffs,

15 v.

16 JOHN TRAVOLTA, an individual,
17
18 Defendant.

Case No. CV12-03918-SJO

FIRST AMENDED COMPLAINT

1. ASSAULT
2. SEXUAL BATTERY
3. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS
4. VIOLATION OF CIVIL
RIGHTS PURSUANT TO
CAL.CIV.CODE § 51.9

DEMAND FOR JURY TRIAL

1. Comes Plaintiff "John Doe No. 1"¹ ("Doe Plaintiff No. 1") and John Doe No. 2 ("Doe Plaintiff No. 2") who file this civil complaint for assault and sexual battery against John Travolta ("Defendant").

I.

JURISDICTION AND VENUE

2. Doe Plaintiff No. 1 has domicile in the State of Texas. Doe Plaintiff No. 2 has domicile in the State of Georgia. The Defendant has domicile in this Central District, and the events giving rise to this complaint to place in Beverly Hills, California in this Central District. Thus, this court has diversity jurisdiction pursuant to Title 28 U.S.C. § 1332. This court has proper venue pursuant to Title 28 U.S.C. § 1391. Doe Plaintiff No. 1 invokes the substantive law of California, while maintaining the procedural law of this federal court.

II.

GENERAL ALLEGATIONS

3. Doe Plaintiff No. 1 is informed and believes, and upon such information and belief states that on January 16, 2012, he was working in Beverly Hills, California Area as a personal massage therapist with a portable table, and the standard items that would normally be used for a professional massage. Doe Plaintiff No. 1 worked through a series of professionally themed ads in locally accessed websites, and had received numerous clients for many years without any serious incident or problem.

4. Doe Plaintiff No. 1 is informed and believes, and upon such information and belief states that an unidentified male called Doe Plaintiff No. 1's cell phone from a block number claiming to represent a celebrity client who demanded full confidentiality, and would not allow autographs, photographs or any video. He did

¹ Plaintiff files this complaint anonymously pursuant to *Does I-XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068, 1072-1073 (9th Cir. 2000).

1 not mention that he was representing Defendant, or perhaps Defendant himself.
2 Doe Plaintiff No. 1 had only discussed that the price would be \$200.00 per hour.
3 The unidentified male told Doe Plaintiff No. 1 to go to a specific street, and that a
4 private car would pick Doe Plaintiff No. 1 up.

5 5. Doe Plaintiff No. 1 is informed and believes, and upon such information and
6 belief states that to his amazement, Defendant himself had picked Doe Plaintiff
7 No. 1 up in a black Lexus SUV. Defendant was wearing dark glasses, jeans with a
8 very loose fitting athletic shirt and a chronograph silver watch. There were Trojan
9 condoms in the console of the vehicle, and there also appeared to be 2 or 3
10 wrappers from chocolate cake packages on the floor of the SUV.

11 6. Doe Plaintiff No. 1 is informed and believes, and upon such information and
12 belief states that Defendant parked the Lexus on a side street of the Beverly Hills
13 Hotel and we went to one of the Bungalows on the right hand side if you are facing
14 the front of the hotel. The door was unlocked, and there was an overweight black
15 man preparing hamburgers, who meekly said 'hey' Doe Plaintiff No. 1 and
16 Defendant, and no formal introductions were made. This black man was actually
17 preparing hamburgers, from watching his skill and dexterity in food preparation, it
18 seemed that he was some sort of professional chef.

19 7. Doe Plaintiff No. 1 is informed and believes, and upon such information and
20 belief states that Defendant shamelessly stripped naked in front of Doe Plaintiff
21 No. 1, and the 'chef' and was gazing at Doe Plaintiff No. 1 as he appeared to be
22 semi-erect. Doe Plaintiff No. 1 asked Defendant to lie face down and to drape
23 himself with a towel. Defendant started muttering to himself something along the
24 lines of 'he wants me to get on the table', 'can you believe that? He wants me to
25 get on the table'.

26 8. Doe Plaintiff No. 1 is informed and believes, and upon such information and
27 belief states that Defendant had his watch on during the massage. For the first
28 hour the massage was without incident, other than he kept purposely sliding the

1 towel down that covered his buttocks to reveal about half of gluteus area. Doe
2 Plaintiff No. 1 kept sliding the towel back up, and reminding Defendant that state
3 law required that a massage client be fully draped during the massage. This back
4 and forth activity of Defendant sliding it down, and then Doe Plaintiff No. 1 would
5 slide it back up occurred over ten times in the first hour.

6 9. Doe Plaintiff No. 1 is informed and believes, and upon such information and
7 belief states that right before the hour ended, Defendant's chronograph watch
8 started to chime, and the black chef covered the burgers, and other things he was
9 preparing with plates. The black chef then left the room with a stack of papers,
10 and what appears to be some sort of notebook. No words were exchanged.

11 10. Doe Plaintiff No. 1 is informed and believes, and upon such information and
12 belief states that Defendant started to rub Doe Plaintiff No. 1's leg, and Doe
13 Plaintiff No. 1 thought it was accidental. Doe Plaintiff No. 1 moved away and
14 Defendant stopped trying to touch Doe Plaintiff No. 1 for a few minutes. Doe
15 Plaintiff No. 1 assumed that it was in fact accidental. Then Defendant touched
16 Doe Plaintiff No. 1's scrotum, and this time Doe Plaintiff No. 1 told Defendant to
17 please not touch him again. Defendant apologized, but then snickered to himself
18 like a mischievous child. Defendant then touched the shaft of Doe Plaintiff No. 1's
19 penis, and seized on to it. Defendant quickly tried to rub the head of Doe Plaintiff
20 No. 1's penis as he tried to pull away. This was painful and uncomfortable.
21 Defendant started to apologize for his behavior; and tried to imply that they "must
22 have gotten our signals crossed", and that he thought that Doe Plaintiff No. 1
23 "wanted the same thing he did." Doe Plaintiff No. 1 explained that he did not have
24 sex with his clients, and that expecting sexual situations when people are providing
25 paid services was essentially prostitution. Defendant then tried to act like it was a
26 simple misunderstanding.

27 11. Doe Plaintiff No. 1 is informed and believes, and upon such information and
28 belief states that Defendant then sat up on the table and asked Doe Plaintiff No. 1

1 to switch places, and do a reverse massage. Doe Plaintiff No. 1 told Defendant
2 that a masseuse lying on the table was unlawful and inappropriate. Then
3 Defendant said, "Come on dude, I'll jerk you off!!!". At this point, Doe Plaintiff
4 No. 1 was done. Doe Plaintiff No. 1 told Defendant he just wanted to leave, that
5 this situation was too strange, and that he actually felt very afraid for his safety.
6 Defendant then laid down on the table, and said, 'OK, I'll behave myself'.
7 Defendant neatly placed the towel in an appropriate manner in his lap and gave
8 Doe Plaintiff No. 1 confidence that his predatory behavior was finally under
9 control.

10 12. Doe Plaintiff No. 1 is informed and believes, and upon such information and
11 belief states that Defendant asked Doe Plaintiff No. 1 to work on his shoulders, and
12 Doe Plaintiff No. 1 followed his request with a professional did deep tissue
13 massage on his shoulders. Defendant then said, "Say something nice to me." Doe
14 Plaintiff No. 1 tried to ignore what Defendant said, and was hoping to conclude
15 this session. Doe Plaintiff No. 1 looked at Defendant, who had removed his
16 draping and was masturbating. Defendant's penis was fully erect, and was roughly
17 8 inches in length; and his pubic hair was wirey and unkempt. Sweat was pouring
18 down Defendant's neck, and he asked Doe Plaintiff No. 1 again to say something
19 nice to him.

20 13. Doe Plaintiff No. 1 is informed and believes, and upon such information and
21 belief states that he refused. Doe Plaintiff No. 1 moved away from Defendant, who
22 then lumbered to his feet and began to move towards Doe Plaintiff No. 1 with erect
23 penis bouncing around with is stride. Defendant began screaming at Doe Plaintiff
24 No. 1, telling Doe Plaintiff No. 1 how selfish he was; that Defendant got where he
25 is now due to sexual favors he had performed when he was in his "Welcome Back
26 Kotter" days; and that Hollywood is controlled by homosexual Jewish men who
27 expect favors in return for sexual activity. Defendant then went on to say how he
28 had done things in his past that would make most people throw up. Defendant

1 explained when he started that he wasn't even gay and that the taste of 'cum'
2 would make him gag. Defendant also said that he was smart enough to learn to
3 enjoy it, and when he began to make millions of dollars, that it all became well
4 worth it. Defendant further explained that the high-class in this world always favor
5 same sex relationships; that sex with beautiful, fit men is actually more intense;
6 and if Doe Plaintiff No. 1 would just be open minded enough to let it happen, he
7 would experience the best fucking of his life.

8 14. Doe Plaintiff No. 1 is informed and believes, and upon such information and
9 belief states that he told Defendant to get dressed and to either drive Doe Plaintiff
10 No. 1 back, or Doe Plaintiff No. 1 was going to call the police. Strangely,
11 Defendant's penis was still semi-erect, and he had to struggle to get it back into his
12 underwear and jeans since he pulled his underwear and pants up at the same time.
13 Defendant then said, 'no problem', 'I will find new friends'. Defendant then
14 continued to say that Hollywood is all about giving and getting, and then he told
15 Doe Plaintiff No. 1 that he can show me an 'Instant Example'. Defendant told Doe
16 Plaintiff No. 1 he knew a Hollywood starlet in the building that wanted three-way
17 sex and to be "double-penetrated". Defendant said they could have that later, but
18 first they needed to have sex together first before calling her, so this way they
19 would be in-sync with each other sexually. Defendant told Doe Plaintiff No. 1 that
20 he had Hollywood looks, but just needed to lose some weight and learn to lick
21 some 'ass', and then Doe Plaintiff No. 1 would be ready to make millions and be
22 famous.

23 15. Doe Plaintiff No. 1 is informed and believes, and upon such information and
24 belief states that he reiterated his threat to call the police, and Defendant took Doe
25 Plaintiff No. 1 back to where he was picked up. During this ride, Defendant
26 repeatedly called Doe Plaintiff No. 1 "selfish" and a "loser", and gave Doe
27 Plaintiff No. 1 double what he was owed. This was \$800.00 instead of the \$400.00
28 that Defendant was supposed to pay Doe Plaintiff No. 1 for the two hours of

1 massage time spent.

2 16. Doe Plaintiff No. 2 is informed and believes, and upon such information and
3 belief states that he was assigned to do an in-room massage on or about January
4 28, 2012, a "Mr. White," and was told this was an alias for Defendant. Doe
5 Plaintiff No. 2 does not prefer to do in-room massages and asked coworker to take
6 the assignment, and his coworker declined because Defendant had been banned
7 from a Spa that the coworker used to work at in the Los Angeles area.

8 17. Doe Plaintiff No. 2 is informed and believes, and upon such information and
9 belief states that

10 18. Doe Plaintiff No. 2 is informed and believes, and upon such information and
11 belief states that he was told to go to a room on the 15th floor on an Atlanta hotel.
12 Defendant's assistant answered the door and told John Doe 2 to set up in the
13 bedroom. Defendant just walked in to the bedroom and spoke very briefly, and
14 then removed all his clothes. Defendant had a strange demeanor, bloodshot eyes
15 and climbed onto the table. Doe Plaintiff No. 2 then covered Defendant with sheet.

16 19. Doe Plaintiff No. 2 is informed and believes, and upon such information and
17 belief states that John Doe 2 replaced the sheet and Defendant responded by taking
18 it off. This happened several times.

19 20. Doe Plaintiff No. 2 is informed and believes, and upon such information and
20 belief states that Defendant removed the entire sheet from his body and he claimed
21 that the sheets were sticky.

22 21. Doe Plaintiff No. 2 is informed and believes, and upon such information and
23 belief states that Defendant told Doe Plaintiff No. 2 that he does not like elbows or
24 forearms and likes a lot of "Gluts" work on his buttocks.

25 22. Doe Plaintiff No. 2 is informed and believes, and upon such information and
26 belief states that he was massaging Defendant and at times Defendant would hump
27 the table. At one point Defendant fell asleep for approximately 5 minutes, and
28 woke up and demanded that his "gluts" be done immediately.

1 23. Doe Plaintiff No. 2 is informed and believes, and upon such information and
2 belief states that while he was massaging near Defendant's buttocks area,
3 Defendant would open his legs and spread his butt cheeks open, and had an
4 erection.

5 24. Doe Plaintiff No. 2 is informed and believes, and upon such information and
6 belief states that Defendant asked him "can you get right here and pointed and put
7 his hand in his butt." Doe Plaintiff No. 2 avoided it and avoided the buttocks.

8 25. Doe Plaintiff No. 2 is informed and believes, and upon such information and
9 belief states that Defendant said Doe Plaintiff No. 2 had big dense hands.

10 26. Doe Plaintiff No. 2 is informed and believes, and upon such information and
11 belief states that he went to massage Defendant's other side, and Defendant kept
12 spreading his butt cheeks. Doe Plaintiff No. 2 observed that Defendant's butt
13 checks and rectum were very red and chapped.

14 27. Doe Plaintiff No. 2 is informed and believes, and upon such information and
15 belief states that Defendant suddenly turned on his stomach with his legs wide
16 open. He then tried to force Doe Plaintiff No. 2's hand on Defendant's scrotum.
17 Then Defendant started to grab, rub and caress Doe Plaintiff no. 2's upper thighs
18 and buttocks.

19 28. Doe Plaintiff No. 2 is informed and believes, and upon such information and
20 belief states that Defendant still had an erection, and wanted his abdominals done
21 but Defendant's erection was in the way and he refused to have his penis covered.

22 29. Doe Plaintiff No. 2 is informed and believes, and upon such information and
23 belief states that Defendant at this time also grabbed between Doe Plaintiff No. 2's
24 legs and he pulled away.

25 30. Doe Plaintiff No. 2 is informed and believes, and upon such information and
26 belief states that Defendant started masturbating about with about 15 minutes left
27 in the session, and Doe Plaintiff No. 2 said he had to go.

28 31. Doe Plaintiff No. 2 is informed and believes, and upon such information and

1 belief states that Defendant then said he was coming back to the resort that Doe
2 Plaintiff No. 2 worked out of, and Doe Plaintiff No. 2 hurried off after Defendant
3 forcibly hugged him.

4 32. Doe Plaintiff No. 2 is informed and believes, and upon such information and
5 belief states that he complained to all of his supervisors to no avail.

6 33. Doe Plaintiff No. 2 is informed and believes, and upon such information and
7 belief states that Defendant then came down to the Spa that Doe Plaintiff No. 2
8 worked at as opposed to having Doe Plaintiff No. 2 go to his room. Defendant
9 DEMANDED that Doe Plaintiff No. 2 come back and do it again, and he refused.
10

11 III.

12 CAUSES OF ACTION

13 1.

14 ASSAULT

15 34. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 reallege and incorporate all
16 facts and allegations expressed in paragraphs nos. 1-33, inclusive, as if alleged and
17 incorporated herein.

18 35. The Defendant acted, intending to cause harmful contact on the Doe Plaintiff
19 No. 1;

20 36. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 reasonably touched and assaulted
21 in a harmful manner;

22 37. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 did not consent to the Defendants'
23 assaultive conduct;

24 38. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 were harmed by the Defendants'
25 assault on them.

26 39. The Defendants' assaultive conduct was a substantial factor in causing the Doe
27 Plaintiff No. 1 and Doe Plaintiff No. 2's harm.

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2.

SEXUAL BATTERY

40. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 reallege and incorporate all facts and allegations expressed in paragraphs nos. 1-39, inclusive, as if alleged and incorporated herein.

41. The Defendant intended to cause harmful and sexually offensive contact directly with the Doe Plaintiff No. 1 and Doe Plaintiff No. 2's penis and testicles, contact that offends a reasonable sense of personal dignity.

42. The Defendant intended to cause a harmful and offensive contact with Doe Plaintiff No. 1 and Doe Plaintiff No. 2 by use of Defendant's hand's contact directly with their penis and testicles

43. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 did not consent to the touching; and that Doe Plaintiff No. 1 and Doe Plaintiff No. 2 were harmed by Defendant's conduct.

3.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

44. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 reallege and incorporate all facts and allegations expressed in paragraphs nos. 1-43, inclusive, as if alleged and incorporated herein.

45. The conduct of the Defendant in assault and battery by a peace officer was outrageous in that it exceeded all possible bounds of decency, and that which a reasonable person would regard as intolerable in a civilized community.

46. The conduct of the Defendant in assault and sexual battery that gave Defendant real or apparent power to affect the Doe Plaintiff No. 1 and Doe Plaintiff No. 2 's interests, and Defendant knew that Doe Plaintiff No. 1 and Doe Plaintiff No. 2 were particularly vulnerable to emotional distress, and that their conduct would likely result in harm due to mental distress.

47. The Defendants intended to cause Doe Plaintiff No. 1 and Doe Plaintiff No. 2

1 emotional distress.

2 48. The Defendants acted with reckless disregard of the probability that the
3 Doe Plaintiff No. 1 would suffer emotional distress, knowing that the Doe Plaintiff
4 No. 1 and Doe Plaintiff No. 2 were present when the conduct occurred.

5 49. The Doe Plaintiff No. 1 and Doe Plaintiff No. 2 suffered severe emotional
6 distress that was substantial, and that no reasonable person in a civilized society
7 should be expected to bear, including but not limited to suffering, anguish, fright,
8 horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame;

9 50. The conduct of the Defendant was a substantial factor in causing Doe Plaintiff
10 No. 1 and Doe Plaintiff No. 2's severe emotional distress.

11
12 4.

13 VIOLATION OF CIVIL RIGHTS PURSUANT TO CAL.CIV.CODE § 51.9

14 51. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 reallege and incorporate all facts
15 and allegations expressed in paragraphs nos. 1-50, inclusive, as if alleged and
16 incorporated herein.

17 52. There was a business, service, or professional relationship between the Doe
18 Plaintiff No. 1 and Doe Plaintiff No. 2 and Defendant and professional masseuses
19 and clients, one that is a relationship that is substantially similar to any
20 professionally licensed and regulated profession.

21 53. The Defendant has made sexual advances, solicitations, sexual requests,
22 demands for sexual compliance by Doe Plaintiff No. 1 and Doe Plaintiff No. 2
23 that were unwelcome and pervasive or severe.

24 54. There was an inability by Doe Plaintiff No. 1 and Doe Plaintiff No. 2 to
25 easily terminate the relationship.

26 Doe Plaintiff No. 1 and Doe Plaintiff No. 2 have suffered or will suffer
27 economic loss or disadvantage or personal injury, including, but not limited to,
28 emotional distress or the violation of a statutory or constitutional right, as a result

1 of the conduct described hereinabove.

2 56. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 are entitled to damages including
3 but not limited to a \$25,000 civil penalty pursuant to Cal.Civ.Code § 52 (b), and
4 the remedy is concurrent to any and all other

5 57. Doe Plaintiff No. 1 and Doe Plaintiff No. 2 are entitled to attorneys fees
6 pursuant to Cal.Civ.Code § 52 (a).

7 IV.

8 CAUSE FOR PUNITIVE DAMAGES

9 58. Because the Defendant's conduct was malicious and oppressive, the Doe
10 Plaintiff No. 1 and Doe Plaintiff No. 2 are entitled to be awarded punitive damages
11 to punish the Defendant for his wrongful conduct.

12 V.

13 PRAYER FOR RELIEF

14 59. WHEREFORE, Doe Plaintiff No. 1 and Doe Plaintiff No. 2 pray for the
15 following relief:

- 16
- 17 a) For \$2,000,000 in general damages in an amount according to proof;
 - 18 b) For non-economic damages for emotional distress;
 - 19 c) For punitive damages pursuant to Cal.Civ.Code § 3294;
 - 20 d) For a civil penalty of \$25,000 for each violation pursuant to
21 Cal.Civ.Code § 51.9;
 - 22 e) For attorney's fees pursuant to Cal.Civ.Code § 52 (a);
 - 23 f) For any other such relief as the court deems proper.
- 24

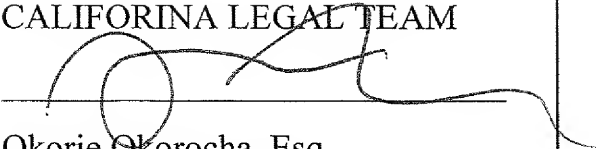
25 VI.

26 DEMAND FOR JURY TRIAL

27 60. Plaintiff hereby demands that all causes of action be tried before a jury.
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1 Dated this 8th day of May, 2012

2 CALIFORINA LEGAL TEAM

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4 _____
5 Okorie Okorochoa, Esq.
6 Attorney for Plaintiffs
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